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EXAMINER

BURGESS, BARBARA N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 09/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/541,994

Applicant(s)

PAAS, J. JULIAN

Examiner

Barbara N Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

This Office Action is in response to amendments submitted June 16, 2003. Claims 1-16 are presented for further examination.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Richards.

As per claims 1, 13, and 16, Brown discloses a method of executing a software application, comprising the steps of:

- calling the software application residing on a server from a client, the client and the server connected to each other through a network, the software application having a plurality of policy frameworks, each associated with a respective one of a plurality of clients (column 2, lines 55-60, column 4, lines 37-46, column 5, lines 20-25, column 6, lines 44-48, column 8, lines 23-40, 62-67, column 9, lines 1-16, 33-55, column 10, lines 1-15, 42-48, column 11, lines 25-34);

Art Unit: 2157

- launching a container/desktop of the client consistent with the respective policy framework of the client (column 5, lines 20-25, column 6, lines 52-55, column 8, lines 23-40, 62-67, column 9, lines 1-16, 33-55, column 10, lines 1-15, 42-48, column 11, lines 25-34);
- the container/desktop initializing and communicating to the server to execute a script of the application (column 2, lines 60-67, column 3, lines 7-9, column 4, lines 49-55, column 5, lines 20-25, column 6, lines 52-65, column 7, lines 4-9, column 8, lines 22-29, column 9, lines 1-15, 33-55);
- executing the script on the server, the script downloading a first user-interface component of the application to the container/desktop (column 5, lines 20-25, column 6, lines 54-65, column 7, lines 4-9, column 8, lines 10-12, 22-29, column 9, lines 1-15, 33-55);
- the container/desktop executing the first user-interface component (column 9, lines 12-16, column 10, lines 12-41);
- first user interface component linking to and starting another user-interface component of the application (column 9, lines 12-16, column 10, lines 12-41).

Brown does not explicitly disclose:

- closing the first user-interface component;
- the container/desktop executing and closing the subsequent user-interface component.

Art Unit: 2157

However, the use and advantages for executing such script is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Richards (column 5, lines 30-36, 40-42).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate executing script that closes the user-interface component in Brown's method in order to close the current window and access another.

As per claim 3, Brown discloses:

- the container/desktop removing the user-interface components from memory within the client as each first and subsequent user-interface component is closed (column 5, lines 57-61).

As per claim 4, Brown discloses a method of executing an application having a plurality of tasks to be interactively executed with a user, said method comprising:

- downloading to a container/desktop only those user-interface components stored on a server needed to perform a first task of the plurality of tasks of an application according to a script (column 5, lines 1-25, column 6, lines 56-65, column 8, lines 10-20);
- downloading to a container/desktop only those user-interface components stored on a server needed to perform a subsequent task of the plurality of tasks of an

Art Unit: 2157

application according to the script (column 5, lines 20-25, column 6, lines 54-

65, column 7, lines 4-9, column 8, lines 10-12, 22-29, column 9, lines 1-15, 33-55);

- executing subsequent task on the container/desktop (column 9, lines 12-16, column 10, lines 12-41);

Brown does not explicitly disclose:

- closing said downloaded user-interface components when no longer needed;
- purging said closed user-interface components from said container/desktop when said closes user-interface is no longer needed;
- repeating steps (c) and (d);
- repeating steps (e) through (g) until all of the plurality of tasks is completed.

However, the use and advantages for executing such script is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Richards (column 5, lines 30-36, 40-42).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate executing script that closes the user-interface component in Brown's method in order to close the current window and access another.

As per claims 5 and 14-16, Brown discloses a computer server comprising:

- a processor, a memory, a bus, and at least one I/O port by which to communicate with a remote client having a container/desktop (column 2, lines 55-60, column 4, lines 39-44, column 5, lines 13-15, Figures 1 and 2)

Art Unit: 2157

- an operating system with which to coordinate the processor, the memory, the bus, and the at least one I/O port to communicate to the client (column 2, lines 55-60, column 4, lines 39-44, column 5, lines 13-15, Figures 1 and 2);
- an application comprising a plurality of tasks to be executed on the container/desktop, the application stored in memory of the server (column 5, lines 20-25, column 6, lines 54-65, column 7, lines 4-9, column 8, lines 10-12, 22-29, column 9, lines 1-15, 33-55);
- a script of the application stored in the memory of the server (column 6, lines 44-50);
- a plurality of user-interface components stored in the memory, the script comprising code to connect the user-interface components to comprise the application wherein the application launches the container/desktop on the client which container/desktop interacts with the script on the server to download from the server to the container/desktop only those user-interface components required for a current task executing on the container (column 6, lines 44-50, 52-61, column 9, lines 11-18, column 14, lines 6-13);

As per claim 6, Brown discloses a client device comprising:

- a container/desktop (column 4, lines 44-48. column 6, lines 54-58);
- an I/O port with which to communicate to one or more servers having software applications invoking a plurality of tasks on the container/desktop, scripts, and user-interface components for the application (column 5, lines 20-25, column 6, lines 54-65, column 7, lines 4-9, column 8, lines 10-12, 22-29, column 9, lines 1-15, 33-55);

Art Unit: 2157

- an interactive medium with which to interact with a user, wherein when the user uses the interactive medium to request an application from the server, the container/desktop communicates with the server through the I/O port and invokes a script of the application in the server which downloads only user-interface components to the container/desktop needed by a current one of the plurality of tasks executing according to the script and wherein the container/desktop discards the user-interface components no longer needed by the application (column 2, lines 66-67, column 3, lines 1-3, column 6, lines 44-50, 52-61, column 9, lines 11-18, column 14, lines 6-13);

As per claim 7, Brown discloses:

- wherein the container/desktop comprises code for implementation of the user-interface component on a personal computer (Figure 1, column 4, lines 44-45).

As per claim 8, Brown discloses:

- wherein the container/desktop comprises code for implementation of the user-interface component on a voice-response unit (column 3, lines 14-17, column 11, lines 36-43);

As per claim 9, Brown discloses:



Art Unit: 2157

- wherein the container/desktop comprises code for implementation of the user-interface component on a network computer (column 3, lines 14-16, column 4, lines 44-48).

As per claim 10, Brown discloses:

- wherein the container/desktop comprises code for implementation of the user-interface component on a persuasive mobile device (column 4, lines 55-60).

As per claim 11, Brown discloses:

- wherein the container/desktop comprises code for implementation of the user-interface component on a second server behaving as a client (column 4, lines 39-44).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Popp et al. (hereinafter "Popp", 6,249,291 B1) in view of Brown.

As per claim 12, Popp discloses a method to script user-interface components to create an application which is stored on a server and whose user-interface components are downloaded to one of a variety of container/desktop of different clients, said method comprising:

Art Unit: 2157

- decomposing the presentation logic of the application into a plurality of tasks to be performed interactively with a user on the client (column 7, lines 13-20, 45-57, column 8, lines 32-40, 44-48, column 10, lines 46-52);
- for each of the tasks, creating a state diagram having a plurality of nodes wherein a user-interface component is associated with at least two of the plurality of nodes (column 8, lines 28-31, 44-46, column 12, lines 44-53);
- writing a script connecting each of the user-interface components in accordance with the state diagram and a policy framework of the container/desktop, wherein said script and said user-interface components are stored on at least one server to which said client is connected and said user-interface components are downloaded to said container/desktop on an as needed basis (column 12, lines 53-67, column 13, lines 42-67).

Art Unit: 2157

Popp does not explicitly disclose each one policy framework being unique to one of said variety of container/desktops of different clients and downloading to container/desktop of said client and in accordance with the policy framework unique to said container/desktop of said client.

However, in an analogous art, Brown discloses the script program specifies the selected monitoring device from which to collect the measurements and the server using the patient's unique identification code, which corresponds to the type of device the patient uses, to identify a specific script program to service the patient (column 5, lines 20-25, column 8, lines 22-40, 62-67, column 9, lines 1-16, 33-56, column 10, lines 1-14, 42-48, column 11, lines 25-32).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a policy framework being unique to one of said variety of container/desktops of different clients and downloading to container/desktop of said client and in accordance with the policy framework unique to said container/desktop of said client in Popp's method in order for each remote apparatus or device to execute assigned script programs which it receives from the server.

### ***Response to Arguments***

**The Office notes the following arguments:**

(a) Popp does not download user-interface components to the container/desktop of the client.

Art Unit: 2157

(b) Popp does not download the user-interface components to the client within the policy framework of a desktop/container unique to client.

**In response to:**

(a) Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

(b) Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2157

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess  
Examiner  
Art Unit 2157

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August 25, 2003

  
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